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Chapter 13 Trustee 6308 Iola Avenue (806) 748-1980 Phone (806) 748-1956 Fax

# IN THE UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF TEXAS ABILENE DIVISION

IN RE: CASE NO: 07-10222-RLJ-13

HEARING DATE: 4/30/2008 VELORIA JEAN JONES HEARING TIME: 11:00 AM

### TRUSTEE'S RECOMMENDATION CONCERNING CLAIMS, OBJECTION TO CLAIMS AND **PLAN MODIFICATION (if required)**

NOW COMES Walter O'Cheskey, Chapter 13 Trustee, and files this Proposed Trustee's Recommendation Concerning Claims and Plan Modification (if required) in accordance with Bankruptcy Rule 3007 and General Order 2006-08 and would respectively show unto to the Court as follows:

# I. **OBJECTION -- NO PROOF OF CLAIM FILED**

The following creditors were scheduled by the Debtor(s). No Proof of Claim has been filed by them or on their behalf, as required by Bankruptcy Rule 3002(a). The bar date for filing claims pursuant to Bankruptcy Rule 3002(c) has passed. Therefore the claims should be DISALLOWED.

Trustee CI	m# Creditor Name	Scheduled Amount	Trustee Clm#	Creditor Name	Scheduled Amount
010 0 U	ALLTEL COMM	\$811.00	011 0 U	AMERIQUEST MORTGAGE CO	\$1.00
012 0 U	BIG SPRING EDUCATION EMPLOYEES	\$63.00	014 0 U	HSBC NV	\$1.00
015 0 U	M & T BANK	\$1.00	0160 U	MIDNIGHT VELVET	\$1.00
017 0 U	R&R COLLECTION	\$100.00	021 0 U	CASH STORE	\$434.10

II.

# **SPECIFIC OBJECTIONS**

No Objections

III.

### TRUSTEE'S RECOMMENDATIONS CONCERNING ALLOWED CLAIMS

The Trustee hereby recommends the ALLOWANCE of the following claims for the amount and in the class as listed below.

Trustee Claim #	Creditor	Collateral / Description	Claim Amount	Value	%	Term	Paid / Treated
SECURED CREDITORS							
007 0 * SN SERVIC	CING CORPORATION	MORTGAGE/BAYVIEW	\$12,955.75	\$20,900.00	11.25%	60	\$323.25 PAID BY TRUSTEE
008 0 * MITCHELL DISTRICT	COUNTY APPRAISAL	02-04 & 07 PROPERTY TAXES	\$275.00	\$8,929.45	12.00%	60	\$2.99 PAID BY TRUSTEE
022 0 * CITY OF C	OLORADO CITY	04, 06-07 PROPERTY TAXES	\$530.35	\$530.35	12.00%	60	\$15.11 PAID BY TRUSTEE
Not provided for in confirmed plan. See Trustee's Modification below.							
PRIORITY CRE	DITORS						
0030 * INTERNAL	REVENUE SERVICE	05 INCOME TAXES	\$10,416.53			60	\$208.33 PAID BY TRUSTEE

#### **UNSECURED GENERAL CREDITORS**

Trustee CIn	n# Creditor Name	Claim Amount	Trustee Clm#	Creditor Name	Claim Amount	
013 0 U	PREMIER BANKCARD \$409.5  PURCHASES/FIRST		018 0 U	WEST CENTRAL TEXAS COLLECTION BUREAU MEDICAL SERVICES/SNYDER EMS	\$404.00	
020 0 U *	INTERNAL REVENUE SERVICE	\$101.14	027 0 U *	COTTONWOOD FINANCIAL	\$464.10	
	PENALTY  Not provided for in confirmed plan.			PURCHASES  Not provided for in confirmed plan.		

Case 07-10222-rlj13 Doc 22 Filed 02/07/08 Entered 02/07/08 12:39:10 Page 2 of 4 Claim, the recommendation is deemed an objection to such claim. Unless a timely reponse of objection is filed contesting the Trustee's recommendation, the objection will be sustained and such claim will be allowed only in the amount and in the class indicated.

Any proposed changes by the Debtor that extends the term or lowers the interest rate as to any secured claim contained in the confirmed Plan must be set out in a Debtor's Objection or Response to the Trustee's Recommendation Concerning Claims and noticed to the affected creditor in the absence of a letter agreement between the Debtor and the affected creditor.

IV.

#### TRUSTEE'S PLAN MODIFICATION

Pursuant to 11 U.S.C. Section 1329, and in accordance with General Order 2006-08 Section 8, the Trustee requests the following Modification of Debtor's(s') Confirmed Plan, subject to feasibility herein:

Trustee's Modification is as follows:

Beginning 7/13/2007 debtor shall make 10 payments of \$573.00. Then beginning 5/13/2008 debtor shall make 50 payments of \$623.00; for a total plan contribution of \$36,880.00. The term of the plan has been extended from 58 months to 60 months. Creditor terms have been extended from 58 to 60 months as well.

City of Colorado City's secured proof of claim, clerk's claim #3, shall be fully secured and paid at 12% over 60 months with a payment of \$15.11.

/s/ Walter O'Cheskey
Walter O'Cheskey
Chapter 13 Trustee

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IF AN OBJECTION IS FILED, A HEARING WILL BE HELD 4/30/2008 AT 11:00 AM CONCERNING THE TRUSTEE'S RECOMMENDATION CONCERNING CLAIMS, OBJECTION TO CLAIMS AND PLAN MODIFICATION (IF REQUIRED) (TRCC) AT THE FOLLOWING LOCATION:

VIDEO: US COURTHOUSE ROOM 2201, 3RD & PINE, ABILENE, TEXAS 79604

A PRE-HEARING CONFERENCE WITH THE TRUSTEE SHALL BE HELD AT THE SAME LOCATION AT 08:30 AM. ALL PARTIES ARE REQUIRED TO ATTEND THE PREHEARING CONFERENCE. ANY OBJECTIONS TO THE PLEADINGS NOT RESOLVED OR DEFAULTED AT THE PRE-HEARING CONFERENCE WILL BE HEARD BY THE COURT AT THE HEARING DATE AND TIME ABOVE. TO BE CONSIDERED, ANY OBJECTION OR RESPONSE MUST BE MADE IN WRITING, SERVED ON ALL EFFECTED CREDITORS AND FILED WITH THE COURT WITHIN THIRTY (30) DAYS FROM THE DATE OF SERVICE.

PURSUANT TO GENERAL ORDER 2006-08 SECTION 8(C), UNLESS AN OBJECTION IS TIMELY FILED AS TO THE TREATMENT OF ANY CLAIM OR MODIFICATION, THE CLAIM OR MODIFICATION WILL BE ALLOWED OR APPROVED AS DESCRIBED IN THE TRCC AND SUCH TREATMENT WILL BE FINAL AND BINDING ON ALL PARTIES.

/s/ Walter O'Cheskey

Walter O'Cheskey Chapter 13 Trustee

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I hereby certify that a copy of the foregoing Trustee's Recommendation Concerning Claims, Objection to Claims and Plan Modification (if required) and Notice of Hearing and Pre-Hearing Conference on Trustee's Recommendation Concerning Claims, Objection to Claims and Plan Modification (if required) was this date served on the following parties electronically or at the addresses listed below by U.S. First Class mail:

Date: 2/7/2008 /s/ Walter O'Cheskey

Walter O'Cheskey Chapter 13 Trustee

ALLTEL COMM 1 ALLIED DR BUILDING 5 FLOOR LITTLE ROCK AR 72202 AMERIQUEST MORTGAGE CO 505 CITY PARKWAY WEST SUITE 100 ORANGE CA 92868 BAYVIEW FINANCIAL LOAN 4425 PONCE DE LEON BLVD CORAL GABLES FL 33146 BIG SPRING EDUCATION EMPLOYEES FEDERAL CREDIT UNION PO BOX 1110 BIG SPRING TX 79721 CASH STORE 111 E MARCY DRIVE STE 160 BIG SPRING TX 79720 CITY OF COLORADO CITY C/O PERDUE, BRANDON, FIELDER, COLLINS, MOTT PO BOX 13430 ARLINGTON TX 76094 COTTONWOOD FINANCIAL 1901 GATEWAY DRIVE SUITE 200 IRVING TX 75038 FIRST PREMIER BANK 900 W DELAWARE SIOUX FALLS SD 57104 HSBC NV PO BOX 19360 PORTLAND OR 97280 INTERNAL REVENUE SERVICE 55 N. ROBINSON MS 5024-OKC OKLAHOMA CITY OK 73102 INTERNAL REVENUE SERVICE PO BOX 21125 PHILADELPHIA PA 19114 INTERNAL REVENUE SERVICE PO BOX 21126 PHILADELPHIA PA 19114 M & T BANK 1 FOUNTAIN PLAZA BUFFALO NY 14203 MIDNIGHT VELVET 1112 7TH AVE MONROE WI 53566 MITCHELL COUNTY APPRAISAL DISTRICT 2112 HICKORY STREET COLORADO CITY TX 79512 MITCHELL COUNTY APPRAISAL DISTRICT C/O PERDUE BRANDON & FIELDER PO BOX 817 LUBBOCK TX 79408 MONTE J WHITE & ASSOCIATES PC ATTORNEY AT LAW ABILENE 402 CYPRESS SUITE 310 ABILENE TX 79601 PERDUE BRANDON FIELDER PO BOX 817 LUBBOCK TX 79408 PERDUE, BRANDON, FIELDER, COLLINS, & MOTT PO BOX 13430 ARLINGTON TX 76094 PREMIER BANKCARD PO BOX 2208 VACAVILLE CA 95696 R&R COLLECTION 1007 WEST ILLINOIS MIDLAND TX 79701 SN SERVICING CORPORATION 323 FIFTH STREET EUREKA CA 95501

SN SERVICING CORPORATION DEPT 1710 DENVER CO 80291

VELORIA JEAN JONES 427 VINE STREET, COLORADO CITY TX 79512

WEST CENTRAL TEXAS COLLECTION BUREAU PO BOX 2586 ABILENE TX 79604

SNYDER EMS C/O WEST CENTRAL TX COLLECTION BUREAU PO BOX 2586 ABILENE TX 79604 US ATTORNEY ATTORNEY IN CHARGE 1100 COMMERCE 3RD FLOOR DALLAS TX 75242 US ATTORNEY GENERAL 10TH ST & CONSTITUTION AVE WASHINGTON DC 20530

WILLIAM T NEARY UNITED STATES TRUSTEE 1100 COMMERCE STREET RM 976 DALLAS TX 75242